

DRAFT; FOR DISCUSSION PURPOSES ONLY

108th CONGRESS  
2nd SESSION

**[S. or H. R.]\_\_\_\_\_**

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**[IN THE SENATE OF THE UNITED STATES]**

or

**[IN THE HOUSE OF REPRESENTATIVES]**

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**[DATE OF INTRODUCTION]**

MR. \_\_\_\_\_ introduced the following bill;  
which was read twice and referred to the Committee  
on [ \_\_\_\_\_ ].

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## **A BILL**

To provide for a pilot project to enhance collaborative forest and range stewardship management of federal lands administered by the Bureau of Land Management and Forest Service in Cassia and Twin Falls Counties, Idaho, and for other purposes.

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled.*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the Cassia/Twin Falls Federal Lands Pilot Project Act."

**SECTION 2. DEFINITIONS.**

(a) DEFINITIONS—In this Act:

(1) BLM.—The term "BLM" means the U.S. Department of the Interior, Bureau of Land Management.

(2) COMMITTEES OF CONGRESS.—The term "Committees of Congress" means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(3) COORDINATING MANAGER.—The term "coordinating manager" means the manager designated in accordance with section [ ] of this Act to be responsible for coordinating and supervising the operations and activities of the BLM and Forest Service in the pilot project area described in this Act.

(4) FOREST SERVICE.—The term "Forest Service" means the U.S. Department of Agriculture, Forest Service.

(5) PILOT PROJECT.—The term "pilot project" means the Cassia/Twin Falls Federal Lands Pilot Project authorized by section 4.

(6) PROJECT AREA.—The term "project area" means the area described in section 4(a) in which the pilot project will be conducted.

(7) PROJECT AREA LRMP.—The term "project area LRMP" means the land and resource management plan completed for the project area under this Act.

(8) RESOURCE ADVISORY COUNCIL.—The term "resource advisory council" means an advisory council established by the Secretary of the Interior under section 309 of the Federal Land Policy and Management Act ("FLPMA"), 43 U.S.C. 1739.

(9) RESOURCE TEAM.—The term "resource team" means the pilot project advisory resource review team, established by the Secretaries under section 3.

(10) SECRETARY.—The term "Secretary" means the Secretary of Agriculture with respect to federal lands administered by the Forest Service, and the Secretary of the Interior with respect to federal lands administered by the BLM.

(11) SECRETARIES.—The term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior.

(12) SERVICE FIRST.—The term "Service First" refers to actions by the Secretaries, BLM and Forest Service to promote customer service and efficiency under the authority in Section 330 of Public Law 106-291 (October 11, 2000), 43 U.S.C. 1701.

(13) STEWARDSHIP OBJECTIVES.—The term "Stewardship Objectives" means objectives that enhance

forest and range ecosystems, and restore and improve land health and water quality such as—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;

(C) improvements in forest or range ecosystem health;

(D) watershed restoration and maintenance;

(E) restoration, maintenance and improvement of wildlife and fish habitat;

(F) control of noxious weeds; and

(G) reestablishment of native species.

(14) STEWARDSHIP CONTRACTS.—The term “Stewardship Contract” means a contract to achieve federal land management goals as described in Section 347 of Public Law 105-277, as amended by Section 338 of Public Law 108-7 (Title 16, United States Code, section 2104 as revised February 28, 2003 to reflect Sec. 323 of H.J. Res. 2 as enrolled), 16 U.S.C. 2104 note.

(15) SUB-GROUP.—The term "sub-group" means a sub-group for a resource advisory council, as described in regulations implementing section 309 of the FLPMA, 43 U.S.C. 1739, codified at 43 C.F.R. 1784.6-2.

**SECTION 3. THE CASSIA/TWIN FALLS ADVISORY RESOURCE REVIEW TEAM.**

(a) ESTABLISHMENT AND PURPOSE.—The Secretaries shall establish an advisory group, to be known as the "Cassia/Twin Falls Resource Review Team," for the purposes of improving collaborative relationships and providing advice and recommendations to the BLM and Forest Service regarding the pilot project and resource planning and management in the project area. The resource team shall be established and function in accordance with the provisions of section 309 of the FLPMA, 43 U.S.C. 1739, except as otherwise provided in this Act.

(b) DUTIES.—The resource team shall—

(1) provide advice and recommendations to the BLM and Forest Service regarding resource planning and management for all lands administered by the BLM and Forest Service in the project area; including, but not limited to, advice and recommendations regarding:

(A) measures to efficiently and effectively administer grazing, recreation, and other allowed uses, consistent with environmentally and

economically sound and sustainable natural resource stewardship principles.

(B) priority activities to meet particular stewardship objectives agreed upon and specified by the resource team.

(C) measures to assure that uses such as family farming and ranching are sustained the project area vicinity.

(D) measures to improve the adaptability and responsiveness of resource management to drought and other conditions.

(E) measures to better coordinate management of federal lands with management and use of State of Idaho, local government, and private lands in the project area vicinity

(F) measures to engage the State of Idaho, local communities and citizens in stewardship activities.

(2) also serve as a sub-group to provide advice and recommendations to the resource advisory council for the BLM Twin Falls District or any other advisory group established by the BLM or Forest Service that encompasses lands administered by either agency in the project area.

(3) cooperate with agricultural and other advisory groups established by other federal agencies, tribes, the State of Idaho or local governments regarding subjects of mutual interest.

(c) APPOINTMENT OF MEMBERS.—

(1) APPOINTMENT AND TERM.—No later than one year after the date of enactment of this Act, the Secretaries shall jointly appoint the members of the resource team. Each member shall serve without compensation for a term of three years beginning on the date of appointment. The Secretaries may reappoint members to subsequent three-year terms.

(2) VACANCIES.—The Secretaries shall make appointments to fill vacancies on the resource team as soon as practicable after the vacancy has occurred.

(d) COMPOSITION OF RESOURCE TEAM.—The resource team shall be comprised of between nine and 15 members, who shall be representative of the interests of the following categories:

(1) CATEGORY I.—

(A) federal grazing permit or lease holders within the project area;

(B) interests associated with transportation or rights-of-way;

(C) developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;

(D) commercial timber industry;

(E) energy and mineral development.

(2) CATEGORY II.—

(A) national environmental organizations;

(B) regional or local environmental organizations;

(C) dispersed recreational activities;

(D) archaeological and historical interests;

(E) national or regional fish and wildlife interest groups;

(3) CATEGORY III.—

(A) State, county, or local elected office holders;

(B) State agencies responsible for management of natural resources, land or water;

(C) Indian Tribes within or adjacent to the pilot project area;

(D) academicians in natural resource management or the natural sciences;

(E) the affected public at large.

(4) BALANCED REPRESENTATION.—The Secretaries shall provide for balanced representation from among the categories described in paragraphs (1), (2), and (3).

(5) GEOGRAPHIC DISTRIBUTION.—The members of the resource team shall reside within the State of Idaho, and to the extent practicable, within or adjacent to the project area.

(6) MEMBERSHIP IN OTHER ADVISORY GROUPS.—Concurrent service as a member of a resource advisory council or other advisory group shall not disqualify a person from appointment to the review team.

(e) QUORUM AND VOTING PROCEDURES.—

(1) A majority of the members must be present to constitute an official meeting of the review team.

(2) Formal resource team recommendations shall require agreement of at least a majority of members in each of the three categories described in subsection (d). Provided: In consultation with the resource team, the BLM and Forest Service may determine to recognize and consider recommendations agreed to by at least a simple majority of the team members, to the extent authorized under regulations implementing section 309 of the FLPMA, 43 U.S.C. 1739.

(f) BLM AND FOREST SERVICE CONSIDERATION  
OF RESOURCE TEAM RECOMMENDATIONS.—

(1) The project area coordinating manager shall consider formal resource team recommendations in a timely manner. If the coordinating manager does not respond in writing to a formal recommendation within 60 days of the resource team submitting the recommendation in writing to the manager, either by accepting or rejecting the recommendation in whole or in part, the recommendation shall be deemed adopted as a proposed action by the manager.

(2) Final adoption and implementation by the BLM or Forest Service of a resource team recommendation shall remain subject to completing any applicable procedures or other requirements for final agency action regarding the recommendation.

(g) OTHER AUTHORITIES AND REQUIREMENTS.—

(1) CHAIRPERSON.—A majority of the resource team shall select a chairperson.

(2) STAFF ASSISTANCE.—Administrative support for the resource team shall be provided by the office of the coordinating manager, supplemented as needed from other offices of the BLM and Forest Service.

(3) MEETINGS.—All meetings of the resource team shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

Records of the meetings shall be retained and made available for public inspection.

**SECTION 4. THE CASSIA/TWIN FALLS FEDERAL LANDS PILOT PROJECT.**

(a) PILOT PROJECT AUTHORIZED.—The Secretaries are authorized and directed to conduct a pilot project under this section, to be known as the "Cassia/Twin Falls Federal Lands Pilot Project," on those national forest lands in the Minidoka Ranger District of the Sawtooth National Forest in the State of Idaho, and the portion of the Burley Field Office Area south of the Snake River in the State of Idaho.

(b) SERVICE FIRST ACTIONS.—The BLM and Forest Service shall designate, under their existing Service First pilot authority, a single coordinating manager who shall be responsible for coordinating and supervising the operations and activities of the BLM and Forest Service in the project area. In the discretion of the Secretaries, the coordinating manager may be an existing manager or other employee from either the BLM or Forest Service, and may retain responsibility for an administrative area for either agency that is larger than the project area. The Secretaries are authorized to implement additional actions under their Service First authority for improved of services to the public in the project area.

(c) ROLE OF THE RESOURCE TEAM.—The resource team shall review and provide advice and recommendations to the BLM and Forest Service

regarding resource planning and management in the project area, as described in this Act.

(d) UNIFIED RESOURCE MANAGEMENT STANDARDS, GUIDELINES AND PROCEDURES.—

(1) IN GENERAL.—In consultation with the resource team, the Secretaries shall, subject to valid existing rights and to the extent reasonably practicable, seek to manage BLM and Forest Service administered lands in the project area according to a unified set of resource management standards, guidelines and procedures.

(2) UNIFIED PROJECT AREA LAND AND RESOURCE MANAGEMENT PLAN.—

(A) In consultation with the resource team and other appropriate parties, the BLM and Forest Service shall prepare a single land and resource management plan ("LRMP") to provide a unified set of programmatic land and resource management standards and guidelines for the project area.

(B) The project area LRMP shall be tiered to and adapted from the existing Sawtooth National Forest LRMP and applicable BLM District and Resource Management Area resource management plans. The project area LRMP may be completed and made effective as an amendment or supplement to the existing plans.

(C) In consultation with the resource team and other appropriate parties, the Secretaries shall determine whether BLM or Forest Service rules shall apply to preparation, approval, and administrative review or appeal of the project area LRMP.

(3) ADMINISTRATION OF AUTHORIZATIONS FOR FEDERAL LANDS OCCUPANCY AND USE.—Based on the preponderance of rangelands in the project area, the Secretaries shall give preference to applying BLM rules to administering authorizations for occupancy and use in the project area. Provided: in consultation with the resource team, the Secretaries may determine that Forest Service rather than BLM rules shall continue to apply to certain categories of occupancy or use, particularly those limited primarily to national forest lands in the project area.

## **SECTION 5. TRANSITION AND VALID EXISTING RIGHTS**

(a) DESIGNATION OF MANAGER AND REVIEW TEAM.—No later than one year after the date of enactment of this Act, the BLM and Forest Service shall designate a single coordinating manager for the project area and appoint the members of the resource team.

(b) UNIFIED LRMP.—No later than three years after the date of enactment of this Act, the BLM and Forest Service shall complete and make effective a unified project area LRMP, subject to any applicable administrative and judicial review.

(c) LRMP IMPLEMENTATION.—No later than one year after the project area LRMP becomes effective, the project area coordinating manager will assure that, subject to valid existing rights, all contracts, permits, and other instruments for occupancy and use of project area lands are consistent with the project area LRMP.

(d) HOLDERS OF EXISTING AUTHORIZATIONS.—

(1) The holder of an authorization for occupancy and use of national forest land in the project area upon the date of enactment of this Act may, no later than two years after the date of enactment, file with the project area coordinating manager a written election for administration of the holder's authorization to continue under applicable Forest Service rules, rather than subject the authorization to administration under BLM rules.

(2) The holder of an authorization for occupancy and use of BLM administered land in the project area upon the date of enactment of this Act may, according to the procedure described in subsection (1), elect for administration of the holder's authorization to continue under applicable BLM rules, rather than subject the authorization to administration under Forest Service rules.

(3) An election in subsection (1) or (2) shall be effective and irrevocable for the duration of the pilot project, unless the holder or successor in interest subsequently files with the project area coordinating

manager a written request to revoke the election, and the manager then agrees in writing to the revocation.

**SECTION 6. SERVICE FIRST AND STEWARDSHIP CONTRACT AUTHORIZATIONS**

(a) SERVICE FIRST.—For the pilot project and project area, the provisions of section 330 of Public Law 106-291 (October 11, 2000) shall remain in effect in fiscal years 2006 through 2015.

(b) FOREST AND RANGE STEWARDSHIP CONTRACTS.—For stewardship contracting in the project area, the term "timber and other forest products" as used in Section 347 of Public Law 105-277, as amended by Section 338 of Public Law 108-7 (Title 16, United States Code, section 2104 as revised February 28, 2003 to reflect Sec. 323 of H.J. Res. 2 as enrolled), 16 U.S.C. 2104 note, is amended to read "timber, forage and other forest and range vegetation products."

**SECTION 7. MONITORING, EVALUATION, AND REPORTING**

(a) IN GENERAL.—The Secretaries shall establish a process to monitor and evaluate the activities and achievements in the project area under this Act to assess to what extent the pilot project is meeting or enhancing the accomplishment of Service First and stewardship objectives as defined in this Act. The process may include multiparty participation. Participants may include any cooperating government agencies, including tribal governments, and any interested groups or individuals.

(b) ANNUAL REPORT.—No later than 2 years after the date of enactment of this Act and each year thereafter, the Secretaries shall submit a report thereon to the Committees of Congress. The report shall include detailed information on the sources and uses of funds and the status, outputs and other results accomplished for the project area under this Act.

(c) STATE OF IDAHO REPORT.—The Secretaries shall request the State of Idaho, through one or more qualified higher education institutions in Idaho, to review the activities and achievements in the project area under this Act and to prepare and submit a report thereon to the Secretaries and the Committees of Congress five years after the date of enactment of this Act and each five years thereafter that the Project continues. The report shall include an assessment of whether, and to what extent, the activities funded pursuant to this Act are meeting or enhancing the accomplishment of stewardship objectives as defined in this Act.

(d) COORDINATION.—The pilot project monitoring, evaluation, and reporting required by this Act may be coordinated with that required by other law applicable to stewardship contracting and other activities in the project area.

## **SECTION 8. AUTHORIZATION OF APPROPRIATIONS**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretaries, through

fiscal year 2015, such sums as may be necessary to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated for the purposes specified in subsection (a) shall remain available until expended.

(c) RECOMMENDATIONS FOR AUTHORIZATION OF APPROPRIATIONS BEYOND FISCAL YEAR 2015.—

(1) Prior to the end of fiscal year 2014, and no later than one year prior to the end of any five-year period thereafter that appropriations are authorized for the pilot project, the resource team shall submit to the Secretaries a recommendation regarding authorization of appropriations to continue the pilot project for an additional five year period.

(2) Within 120 days after receipt of the resource team's recommendation, the Secretaries shall submit to the Committees of Congress the resource team's recommendation regarding authorization of appropriations to continue the pilot project, along with the recommendation of the Secretaries with respect to the same and stating the reasons for such recommendation.

## SECTION 9. SEVERABILITY

If any provisions of this Act or the application of this Act to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application

of such provision to other persons and circumstances shall not be affected.